

BEST AVAILABLE COPY

10/807,880

REMARKS

Claims 1-5 are rejected, under 35 U.S.C. § 102, as being anticipated by Pollock '961. The Applicant thanks the Examiner for indicating that claims 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in an independent form including all of the limitations of the base claim and any intervening claim. In accordance therewith, the Applicant has amended claim 1 to include the specific feature of the present invention as recited in claim 6 where the collar includes a passage for securely grasping an outer surface of the bottle cap.

This specific feature of the Applicant's collar 31 which is removably attached to the bottle cap of the bottle from claim 6 is believed allowable over Pollock '961 and therefore has been incorporated directly into claim 1. Importantly, the Applicant notes that with respect to Pollock '961 Fig. 1 which is shown below, except for the attachment of the tube 5, the brush 2 is attached directly to the sidewall 4 of the bottle, i.e. reservoir 4, by a strap 6. The brush is in no way connected or attached to the bottle cap 5a as is now specifically recited in Applicant's claim 1.

As the Examiner is aware, in order to properly support an anticipation rejection under 35 U.S.C. § 102 the cited reference must disclose each and every feature of the presently claimed invention. Claim 1 specifically recites the feature "wherein the bottle attaching portion of the collar defines a first passage sized to securely grasp an outer surface of the bottle cap..." Because such a feature is not disclosed, taught or suggested in any manner by the cited reference, Applicant believes claim 1 to be allowable in light of the Examiner's comments and the applied Pollock '961 reference.

By way of further explanation, the Applicant notes that it is of particular importance in the present invention, that, as seen in Applicant's Fig. 2, the collar is secured directly to the bottle cap 17. As can be appreciated, with the collar attached to the bottle cap 17 and holding an intermediate portion of the brush 53 as discussed in the last sentence of paragraph 038 in Applicant's invention "Thus, the brush is securely held relative to the bottle 1 such that no matter what kind of force or motion is applied to the scrubbing bristles 59 of the brush, the brush and the bottle 1 essentially move together." This is an important aspect of the present invention because with the user's hand grasping the sidewall 7 of the bottle and the user's fingers engaging the brush handle 55, the brush 51 is now held at two points, by the collar 31 secured to the bottle cap 17, and secondly also by the user's fingers at a separate position

3/20/06 4:10 PM

- 5 -

BEST AVAILABLE COPY

10/807,880

along the length of the brush 51. Thus, the brush is securely held at two separate points of contact.

Observing Pollock et al. '961 with the brush being attached to the sidewall of the reservoir 4 solely by the band 6 circumscribing the main body of the reservoir 4, the applicator brush and bottle as disclosed in Pollock '961 is particularly less stable than the presently claimed invention. Without the brush 2 being secured directly to the bottle cap 5A there is a great potential for the brush head 2A to move relative to the reservoir 4 and lessen the effectiveness of scrubbing or scouring operations.

In accordance with the above the Applicant has also added new claim 19 which is substantially similar to claim 1 and clearly recites "a bottle having a spout for holding a cleaning fluid, a bottle cap for covering an opening in the spout and a brush for cleaning a desired surface being removably affixed to the bottle cap by a collar having a bottle cap attaching portion; ..." This feature as discussed above is believed to be particularly different from the attachment of the collar to the main body of the reservoir as in Pollock et al. '961. Additionally, claim 19 includes the further feature "wherein the bottle cap attaching portion of the collar defines a first passage sized to be directly attached to an outer surface of the bottle cap, and the brush securing portion of the collar is attached to a handle of the brush to align the brush handle adjacent *and unattached to a sidewall of the bottle.*" This feature is believed to clarify that the brush handle 55 of the present invention as seen in Applicant's Fig. 2 is merely aligned adjacent to the sidewall 7 of the bottle where it is grasped by the user. Because the brush handle 55 is not attached to the sidewall 7, as it is in Pollock et al. '961, the Applicant believes this further feature to also distinguish the present invention from the cited reference.

In view of the Examiner's comments and the above amendments and remarks, Applicant believes that these claims are now in a condition for allowance. If any further amendment is believed necessary in order to place this case in a condition for allowance, the Examiner is courteously invited to contact the undersigned attorney of record to discuss the same.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding anticipation rejections or applicability of the Pollock et al. '961 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which

JGJGJG 3:10 PM

- 6 -

BEST AVAILABLE COPY

10/807,880

contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Scott A. Daniels, Reg. No. 42,462

Customer No. 020210

Davis & Bujold, P.L.L.C.

Fourth Floor

500 North Commercial Street

Manchester NH 03101-1151

Telephone 603-624-9220

Facsimile 603-624-9229

E-mail: patent@davisandbujold.com